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April 9, 2004

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**TEL #:**

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**Sender: Henry K. Woodward**

**Our Ref. No.: UCALP011X1**

**Re: 10/716,266**

**Pages Including Cover Sheet(s): 6**

**MESSAGE:-**

Please see attached Petition Under 37 C.F.R. § 1.78 To Accept Unintentionally Delayed Priority Claim.

**CONFIDENTIALITY NOTE**

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: GENNARI, Frank E.

Attorney Docket No.:  
UCALP011X1/B02-005-3

Application No.: 10/716,266

Examiner: Not yet assigned

Filed: November 17, 2003

Group: 2877

Title: METHOD OF LOCATING AREAS IN AN  
IMAGE SUCH AS A PHOTO MASK LAYOUT  
THAT ARE SENSITIVE TO RESIDUAL  
PROCESSING EFFECTS

Confirmation No.: 6483

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Signed: 

Laura M. Deza

**PETITION UNDER 37 C.F.R. § 1.78 TO ACCEPT  
UNINTENTIONALLY DELAYED PRIORITY CLAIM**

Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants hereby respectfully petition under 37 C.F.R. § 1.78(a) to accept an unintentionally delayed priority claim under 35 U.S.C. § 120. The following items are hereby submitted as required for this Petition:

- (i) The reference required by 35 U.S.C. § 120 and 37 C.F.R. § 1.78(a)(2) to the prior-filed application, that being the Preliminary Amendment filed contemporaneously with the filing of this Petition, a copy of which is attached hereto;
- (ii) The surcharge of \$1,330.00 as set forth in 37 C.F.R. § 1.17(t), for which the Commissioner is hereby authorized to charge this full amount to Deposit Account 50-0388 (Order No. UCALP011X1); and
- (iii) The following statement:  
The undersigned states that the entire delay between the date that a priority claim was due and the date that a claim was filed was unintentional.

REMARKS

This Petition is submitted under 37 C.F.R. § 1.78(a) to accept an unintentionally delayed claim to priority in the above-identified patent application as a continuation-in-part of co-pending application serial no.: 10/241,242, filed September 10, 2002, which claims the benefit of provisional application serial no.: 60/322,381, filed September 11, 2001.


The two priority applications were noted in the application transmittal letter for the above-identified patent application as filed, and in the first paragraph of the application. However, the relationship of the two priority applications was not expressly given, and the claim of priority to the provisional application has been denied by the Initial Patent Examination Division in a paper mailed March 31, 2004.

A Preliminary Amendment of the specification is being filed concurrently to amend the first paragraph and the claim to priority (a copy of which is attached to this petition).

The Commissioner is hereby authorized to charge the surcharge of \$1,330.00 as set forth in 37 C.F.R. § 1.17(t), and any additional fees that may be due to Deposit Account 500388 (Order No. UCALP011X1).

The entire delay between the date the claim was due under 37 C.F.R. § 1.78(a)(2)(22), and the date this claim is filed was unintentional.

Respectfully submitted,  
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